

**IN THE DRAWINGS:**

Attached is a Submission of Replacement Drawing Sheets including a change to each of Figs. 1-6. These Replacement Drawing Sheets, which include all of Figs. 1-10 in this application, replace the previously-filed drawing sheets. In these Replacement Drawing Sheets, Figs. 1-6 have been amended to include the legend --PRIOR ART-- in response to the objection to the drawings in the Office Action.

**REMARKS****Summary of the Office Action**

The drawings are objected to because Figs. 1-6 should be designated by a legend such as --Prior Art--.

Claims 1, 2, 4-6, 8-10 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang (U.S. Patent No. 7,069,208) (hereinafter "Wang").

Claims 3, 7 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Garudadri et al. (U.S. Patent No. 7,089,178) (hereinafter "Garudadri").

**Summary of the Response to the Office Action**

Applicant has amended claims 1, 5 and 9 to differently describe embodiments of the disclosure of the instant application's specification. Applicant has canceled claims 2, 6 and 10 without prejudice or disclaimer. Accordingly, claims 1, 3-5, 7-9, 11 and 12 remain currently pending for consideration.

**Drawing Objections**

The drawings are objected to because Figs. 1-6 should be designated by a legend such as --Prior Art--. Attached is a Submission of Replacement Drawing Sheets including a change to each of Figs. 1-6. In these Replacement Drawing Sheets, Figs. 1-6 have been amended to include the legend --PRIOR ART-- in response to the objection to the drawings in the Office Action. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

**Rejections under 35 U.S.C. §§ 102(a) and 103(a)**

Claims 1, 2, 4-6, 8-10 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang. Claims 3, 7 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Garudadri. Applicant has canceled claims 2, 6 and 10 without prejudice or disclaimer. Applicant has amended claims 1, 5 and 9 to differently describe embodiments of the disclosure of the instant application's specification by incorporating features of canceled claims 2, 6 and 10, respectively and additional features. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 1 has been amended to incorporate features of canceled claim 2 as well as a additional features so that claim 1 now recites a combination of features in which an error detector is configured to determine whether or not a descriptor included in a coded audio data composed of the digital audio data is consistent with a descriptor to be used for specifications of a specific broadcasting service, and depending on the result of this determination it is selected whether or not detection of an error in the coded audio data is carried out. Support for the amendment is found, for example, at the following portions of the specification of the instant application and also in Figure 7 of the instant application.

*[0037] At step S9, one frame (ADTS frame) of the data stream is inputted to a buffer of the apparatus. At step S10, a header is acquired form the one frame inputted at step S9. Various types of information, such s ID, layer, protection bit, but rate, and sampling frequency, are stored in the header. At step S11, it is determined whether or not the information about the header meets corresponding specifications stipulated by ARIB (Association of Radio Industries*

and Businesses), which provides the specifications for the ISDB-TSB. If it is determined that the header information meets the corresponding specifications provided by the ARIB, the processing is made to go to step S12. In contrast, if the determination is that the header information does not meet the corresponding specifications, the processing is made to skip to step S17.

[0038] For example, the sampling frequency can be described as follows. The AAC technical standards define 12 types of sampling frequencies. The ARIB for the ISDB-TSB adopts only three types of sampling frequencies, i.e., 48 kHz, 32 kHz and 24 kHz, from the 12 types of sampling frequencies. Thus, when the sampling frequency stored in the header meets any of 48 kHz, 32 kHz and 24 kHz, the processing moves from step S11 to S12. On the other hand, such a determination cannot be obtained, the processing skips to step S17.

Applicant respectfully submits that Wang discloses only detection of audio data error. Applicant respectfully submits that it is not disclosed nor suggested in any of the references that a determination is made of whether or not a descriptor included in a coded audio data composed of the digital audio data is consistent with a descriptor to be used for specifications of a specific broadcasting service, and depending on the result of this determination a selection of whether or not detection of an error in the coded audio data is carried out.

Accordingly, Applicant respectfully submits that independent claim 1 of the instant application describes a combination of features that differ from the applied Wang reference for at least the foregoing reasons. The remaining independent claims 5 and 9 have also been newly-amended to include similar features as newly-amended independent claim 1. Accordingly, similar arguments as set forth above with regard to newly-amended independent claim 1 also apply to newly-amended independent claims 5 and 9.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because Wang does not teach or suggest each feature of independent claim 1, 5 or 9, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that dependent claims 3-4, 7-8 and 11-12 are allowable at least because of their dependence from claim 1 and the reasons set forth above. Moreover, Applicant respectfully submits that the additionally applied reference to Garudadri, with respect to claims 3, 7 and 11, does not cure the deficiencies discussed above with regard to Wang.

### **CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

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By:



Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

**DRINKER BIDDLE & REATH LLP**

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465